



**SUPREME COURT OF CALIFORNIA  
ORAL ARGUMENT CALENDAR  
SAN FRANCISCO SESSION  
MARCH 2 AND 3, 2010**

**(FIRST AMENDED)**

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California, on March 2 and 3, 2010.

**TUESDAY, MARCH 2, 2010—9:00 A.M.**

- (1) S162029 Boeken v. Philip Morris USA, Inc.
- (2) S121552 Martinez et al. v. Combs et al.
- (3) S161545 People v. Wyatt (Reginald)

**1:30 P.M.**

- (4) S164011 People v. Jacinto (Armando Monter)
- (5) S059531 People v. Redd (Stephen Moreland) [Automatic Appeal]
- (6) S053228 People v. Alexander (Andre Stephen) [Automatic Appeal]  
*[To be called and continued to the May 2010 calendar]*

**WEDNESDAY, MARCH 3, 2010—9:00 A.M.**

- (7) S168950 Runyon v. Board of Trustees of California State University
- (8) S166402 People v. Sutton et al.
- (9) S171117 People v. Superior Court of Contra Costa County (Michael Nevail Pearson, Real Party in Interest)

**1:30 P.M.**

- (10) S058537 People v. Collins (Scott Forrest) [Automatic Appeal]
- (11) S056891 People v. Thompson (James Alvin) [Automatic Appeal]

**GEORGE**  
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*Chief Justice*

If exhibits are to be transmitted to this court, counsel must apply to the court for permission. (See Cal. Rules of Court, rule 8.224(c).)

**SUPREME COURT OF CALIFORNIA  
ORAL ARGUMENT CALENDAR  
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The following case summaries are issued to inform the public and the press of cases that the Supreme Court has scheduled for oral argument and of their general subject matter. Generally, the descriptions set out below are reproduced from the original news release issued when review in each of these matters was granted and are provided for the convenience of the public and the press. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.

**TUESDAY, MARCH 2, 2010—9:00 A.M.**

**(1) *Boeken v. Philip Morris USA, Inc.*, S162029**

#08-87 Boeken v. Philip Morris USA, Inc., S162029. (B198220; 159 Cal.App.4th 1391; Superior Court of Los Angeles County; BC353365.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issue: Did the doctrine of res judicata bar plaintiff's claim for noneconomic damages in a wrongful death action after her husband died, because she had dismissed with prejudice a claim for loss of consortium while he was alive?

**(2) *Martinez et al. v. Combs et al.*, S121552**

#04-19 Martinez et al. v. Combs et al., S121552. (B161773; unpublished opinion; Superior Court of San Luis Obispo County; CV001029.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in a civil action. This case presents the following issues: May agricultural workers recover unpaid minimum wages from the merchants who sold their farmer-employer's produce? Does the common law or the Industrial Welfare Commission's applicable wage order define the employment relationship for these purposes? If the wage order defines the employment relationship, are the produce merchants the agricultural workers' employers?

**(3) *People v. Wyatt (Reginald)*, S161545**

#08-80 People v. Wyatt (Reginald), S161545. (A114612; nonpublished opinion; Superior Court of Alameda County; 147107.) Petition for review after the Court of Appeal reversed in part and affirmed in part a judgment of conviction of criminal

offenses. The court limited review to the following issue: Did substantial evidence support defendant's conviction for a caregiver's assault on a child by means of force likely to produce great bodily injury causing death (Pen. Code, § 273ab)? Specifically, was there evidence that defendant was "aware of the facts that would lead a reasonable person to realize that a battery would directly, naturally and probably result from his conduct" (*People v. Williams* (2001) 26 Cal.4th 779, 788)?

**1:30 P.M.**

**(4) *People v. Jacinto (Armando Monter), S164011***

#08-123 *People v. Jacinto (Armando Monter), S164011*. (A117076; 162 Cal.App.4th 373; Superior Court of Sonoma County; SCR487837.) Petition for review after the Court of Appeal reversed an order dismissing an information. This case includes the following issue: Was defendant denied his constitutional rights to compulsory process and due process when the sheriff's department released a subpoenaed defense witness to federal immigration authorities for deportation prior to defendant's trial?

**(5) *People v. Redd (Stephen Moreland), S059531 [Automatic Appeal]***

This matter is an automatic appeal from a judgment of death.

**(6) *People v. Alexander (Andre Stephen), S053228 [To be called and continued to the May 2010 calendar] [Automatic Appeal]***

This matter is an automatic appeal from a judgment of death.

**WEDNESDAY, MARCH 3, 2010—9:00 A.M.**

**(7) *Runyon v. Board of Trustees of California State University, S168950***

#09-04 *Runyon v. Board of Trustees of California State University, S168950*.

(B195213; nonpublished opinion; Superior Court of Los Angeles County; BC340560.)

Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issues: (1) Must an employee of the California State University exhaust administrative and judicial remedies with respect to a challenged administrative decision in order to bring a claim under the California Whistleblower Protection Act (Gov. Code, § 8547 et seq.)? (2) What standard governs the determination

whether the employee's internal complaint has been "satisfactorily addressed" (§ 8547.12, subd. (c)) by the California State University?

**(8) *People v. Sutton et al., S164402***

#08-160 *People v. Sutton*, S166402. (B195337; 165 Cal.App.4th 646; Superior Court of Los Angeles County; BA304502.) Petition for review after the Court of Appeal remanded for resentencing in part, and otherwise affirmed judgments of conviction of criminal offenses. This case presents the following issue: When, on the 60th day after arraignment, the appointed counsel of one of two jointly charged defendants was engaged in another client's trial that had extended longer than anticipated and that was expected to be completed shortly, did the trial court err in finding good cause to continue the trial of both defendants (without their consent) on a day-to-day basis until the attorney's other trial was completed?

**(9) *People v. Superior Court of Contra Costa County (Michael Nevail Pearson, Real Party in Interest), S171117***

#09-16 *People v. Superior Court of Contra Costa County (Michael Nevail Pearson, Real Party in Interest)*, S171117. (A120430; nonpublished opinion; Superior Court of Contra Costa County; 059517012.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. This case presents the following issue: Is Penal Code section 1054.9 an unconstitutional amendment to the criminal discovery statutes enacted by Proposition 115?

**1:30 P.M.**

**(10) *People v. Collins (Scott Forrest), S058537 [Automatic Appeal]***

This matter is an automatic appeal from a judgment of death.

**(11) *People v. Thompson (James Alvin), S056891 [Automatic Appeal]***

This matter is an automatic appeal from a judgment of death.